

REMARKS

Claims 1-24 and 34-36 are pending in the present application.

Election of Species Requirement

The Examiner has withdrawn the September 27, 2006 Restriction Requirement but has imposed (in its place) the following requirement for an Election of Species under 35 USC 121 in the present application between:

Species (1), claims 16-18, drawn to the separating and purifying nucleic acids without pressurizing the inside of said accommodation part of the apparatus;

Species (2), claims 19-24 and 34-36, drawn to the separating and purifying nucleic acids by pressurizing the inside of said accommodation part of the apparatus.

For the purpose of examination of the present application, Applicants elect, with traverse, Species (2), Claims 19-24 and 34-36. As indicated by the Examiner, claims 1-15, 19-24 and 34-36 are readable thereon.

Applicants respectfully remind the Examiner that should the Examiner not find prior art, which renders the elected species unpatentable, the Examiner is required to expand the search to include a reasonable number of additional species. Applicants respectfully submit that it is reasonable to expand the search to include the single species identified by the Examiner as Species "(1)."

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Registration No 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

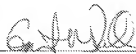
☐ Attached is a Petition for Extension of Time.

☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: February 22, 2007

Respectfully submitted,

By  #43505
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